

REMARKS/ARGUMENTS

This is in response to the official action dated November 23, 2005. Reconsideration is respectfully requested.

Claims 1, 4-16 stand rejected as being indefinite under 35 USC 112, second paragraph. Applicant overcame this rejection by the present amendment. All claims have been amended throughout for clarity, readability and to better conform to U.S. claiming practice.

Claims 1-5, 7-10 15 and 16 stand rejected as being anticipated by US 5,230,837 to Babasade, (embodiments of Fig. 5, 6 and 7). For anticipation, a reference must teach each and every limitation of the claimed invention.

Babasade teaches in FIG. 5 a dispenser having a fragrance wheel made of a porous, liquid absorbing plastic materials, folded into an accordion shaped fragrance wheel 64, with multiple fan shaped panels 66 extending laterally from the central axis of said wheel 65. The fragrance wheel is fabricated to fit into a dish-shaped flat holder 44 held by a wheel retainer 40 (only Fig. 2). The fragrance wheel 64 has a center hole 68 for connection to a shaft 74 sitting in polyethylene holder 44. An absorbent cotton reservoir ring 70 is placed over the holder shaft 74 between the fragrance wheel and the holder 44 to act as a fragrance reservoir for enhancing fragrance dispensing from the fragrance wheel 64 which is impregnated with fragrance material. The fragrance wheel 64 is assembled with the holder 44 and the fragrance wheel retainer 40 coupled via the shaft 74 to a motor 24 for fragrance dispensing to the ambient air.

In contrast, claim 1 recites a wick which comprises two portions, the first portion extending into a container holding the volatile liquid and a second portion defining an opening. In Babasade, the fragrance wheel "wick" does not have two portions, but it is shaped symmetrically as one uniform piece having an opening running axially through the entire wheel. Thus, Babasade does not include a "wick comprises a first portion extending into a container holding the volatile liquid and a second portion defining an opening". Further, claim 1 includes an "alignment member associated with the housing". Babasade teaches a shaft 74 which aligns the fragrance

wheel 64, which shaft is snap-fitted directly to shaft 26 on the motor 24 (see Fig. 7)" (Col. 6, lines 33-36). This mounting arrangement allows the wheel to be "energized" (rotated) by the motor 24 in order to dispense the fragrance through the ambient air. Thus, nowhere is the shift which aligns the wheel associated with the housing. If the shaft would be associated with the housing, it would not rotate or at least hindered such that the operation would be faulty and the motor would burn out. Thus, the shaft in Babasade must be freely rotatable. Because the shaft in the present claim is associated with the housing, Babasade can not anticipate claims 1.

Claim 2 is dependent on claim 1 and therefore includes the same limitations as claim 1 and, thus, Babasade can not anticipate claim 2.

Claim 3 is dependent on claim 1 and, in addition, includes another limitation, reciting a "perpendicular" mounting of the alignment member in the housing to the opening in the second portion of the wick. Nowhere does Babasade teach or suggest such a perpendicular mounting of the shaft in relation to the wheel, and therefore Babasade can not anticipate claims 3.

Claim 4 is dependent on claim 1 and therefore includes the same limitations as claim 1. The claim further defines the "second portion" of the opening, which does not exist in Babasade and, thus, Babasade can not anticipate claim 4.

Claim 5 is dependent on claim 1 and therefore includes the same limitations as claim 1. In addition, claim 5 includes the limitation which calls for a larger sized opening in the second portion compared to the alignment member. Nowhere does Babasade teach or suggest such difference in the sizing of the shaft in relation to the opening of the wheel. If Babasade would have a difference in diameter, the shaft would slip and the wheel would not rotate and the entire purpose of "energizing" the wheel would not be materialized. Thus, Babasade can not anticipate claim 5.

Claims 7 - 10, 15 and 16 depend on previously discussed claims and include additional limitations and thus are patentable for the same reasons that these previously discussed claims are patentable. Claims 7-10, 15 and 16 are further distinguishable over the art of record for the

reasons described above and thus, none of these claims are anticipated by Babasade.

Further, claim 6 stands rejected as being obvious over Babasade in view of Bryan (US Patent 1,962,100). Claim 6 is dependent on claim 1 and further includes a limitation which recites that the housing of the dispenser includes a fan and wherein the fan is aligned with the second portion of the wick. Babasade teaches a shaft which aligns the fragrance wheel. The wheel is snap-fitted directly to shaft of the motor (see Fig. 7). This mounting arrangement allows the wheel to be rotated by the motor in order to dispense the fragrance through the ambient air. There is no need whatsoever to additionally utilize a fan which also needs to be energized to additionally blow on the already rotating fragrance wheel. Thus, there is no need whatsoever to combine Babasade with Bryan to further fan the already dispensing fragrance through the ambient air. Most likely such double effort would dry out the fragrance wheel prematurely and would deplete the fragrance too fast. Applicants submit that in order for a claim to be properly rejected as obvious over a combination of references, it must have been obvious to a person of ordinary skill to combine the references as suggested by the Examiner. As discussed above, the claims as amended are different from the combinations of references in ways which would not have been obvious and a person skilled in the art would not have made such a combination. Thus, the claims are not obvious.

Moreover, claims 11-14 stand rejected as being obvious over Babasade in view of Rooch. Claim 11 is dependent on claim 9, which in turn is dependent on claim 1. All such claims were amended for further clarification. It is submitted that claims 11-14 are distinguishable over Babasade. The Examiner admits that Babasade would not provide a "member is opposite the other opening defined by the housing". He cited Rooch for providing a "wick diffuser for a volatile liquid in which the liquid dispenser and wick can be removed from the top of the apparatus by opening lid 12 (Fig. 8...)". Applicant points out that claim 11, which depends on claim 9 defines two dimensions, (1) the dimension (width) P of the alignment member and (2) the width H of the opening through which the container holding the volatile liquid may be inserted and/or removed. In addition (claim 11), applicant provides that the alignment member is affixed to the interior surface of the housing opposite of the housing opening having the width H.

It is not clear to applicant, how the combination of Babasade and Rooch could teach or suggest what applicant claims in claim 11: For one, in neither of the references is there a fixed alignment member for aligning the wick, which is opposite of an opening which is defined by a width H and, second, nowhere does the combination of references teach or suggest a size relationship between the alignment member and the opening. Applicant admits that Rooch does show a bottle being inserted/removed into/away from a housing and that the movement of the bottle also takes along a wick bases cup. However, it is not clear as to how the Rooch structure could be combined with Babasade to overcome the deficiency in not having an alignment member opposite such opening. The reference of Rooch can not cure the deficiencies of Babasade. A person skilled in the art would not have combined these references and obtained the subject matter claimed on claim 11-14. Thus, the claims as amended are different from the combinations of references in ways which would not have been obvious and a person skilled in the art would not have made such a combination. Thus, the claims are not obvious.

Applicant submits that the application is now in condition for allowance and passage to issuance is requested.

If any additional fees or charges are required at this time in connection with the application, authorization is hereby given to charge our Patent and Trademark Office Deposit Account No. 14-1263.

Respectfully submitted,



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